HAYNES et al Appl. No. 10/664,029 July 14, 2005

## REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The non-elected claims have been cancelled without prejudice.

Submitted herewith is a Declaration which should be substituted for that filed previously. The attached moots the Examiner's objection to the original Declaration.

Claims 16, 3, 7-13, 17, 18, 28, 4-6, 29 and 31-40 stand provisionally rejected as representing obviousness-type double patenting over claims of Application No. 09/960,717. Merely to advance prosecution, submitted herewith is a Terminal Disclaimer and the required fee.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Mary J. Wilson Reg. No. 32,955

MJW:tat

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100

1579-804

## INVENTIONS DECLARATION FOR PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE As a below named inventor, I hereby declare that my residence, mailing address and citizenable are as stated below next to my name, and I believe I am

Nixon & Vanderhye P.C. (10/88)
(Domestic Assigned) Page 1

the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural hames are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled; IMMUNOGEN the specification of which (check applicable box(s)): is attached hereto was filed on September 17, 2003 as U.S. Application Serial No. 10/564,029 (Atty. Dkt. No. 1579-804) was filed as PCT International application No. and (if applicable to U.S. or PCT application) was emended on I hereby state that I have reviewed and understand the contents of the above Identified specification, including the ciaims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Petent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby daim foreign priority benefits under 35 U.S.C. 119/355 of any foreign application (c) for patent or inventor's certificate listed below and have also identified below any foreign application for patent of inventor's certificate having a filling date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application: Priority Foreign Application(s): Day/Month/Year Filed Application Number Country I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(a) listed below. Date/Month/Year Filed Application Number 22 September 2000 60/234,327 60/285,173 23 April 2001 21 September 2001 60/323,897 60/323,702 21 September 2001 I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below. Prior U.B./PCT Application(s): Status: patented pending, abandoned Day/Month/Year Filed Application Serial No. 09/980,717 24 September 2001 Pending I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and ballef are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeepardize the validity of the application or any patent issued triercon. And on behalf of the owner(s) hereof, I hereby ask that all communications in this matter be directed to: NIXON & VANDERHYE F.C., 1100 North Glabe Rd., 4 Floor, Aplington, VA 22201-4714, telephone number (703) 816-4840 1. Inventor's Signature: USA HAYNES Bartan inventor. (firet) (Ical) (cilizenehlp) (atate/county) North Carolina Durham Residence: (city) 3923 Wentworth Street, Durham, North Carolina Mailing Address: (Zip Code) 27707 Date: Inventor's Signature: 2. PATEL U.S.A. Б Dhavalkumar Inventor: (last) (citizenship) M (first) (gbate/country) Chapel Hill North Carolina Residence: (city) 203 Telluide Trall, Chapel Hill, North Carolina Mailing Address: (Zip Code) 27514 Date: Inventor's Signature: 3, U.S.A. ALAM Inventor: Mul (citizénahip) ΜI (lest) (firet) (state/country) North Carolina Chapel Hill Residence: (city) 203U Berkdale Drive, Chapel Hill, North Carolina Melling Address: (Zip Code) 27516 Daile: Inventor's Signature: Chinese LIAO inventor: (chizenship) (last) M (first) North Carolina (state/country) Chapel Hill Residence: (city) 200 Pebble Springs Road, Chapel Hill, North Carolina seerbbA gallisM

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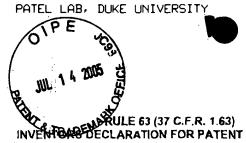
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Nixon & Vanderhye P.C. (10/99) (Domestic Assigned) Page 1

INVENTORS DECLARATION FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, malling address and citizenship are as stated below next to my name, and I beliave I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the inventor entitled;

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	ecification of which (check is attached hereto	applicable box(s)):				
Ø		eptember 17, 2003	as U.S. Application	Serial No.	10/664,029 on	(Atty. Dkr. No. 1579-804)
	applicable to U.S. or PCT		ed on		O.I.	
haret	by state that I have reviowe	d and understand the co	ontents of the above Iden	lified specific	ation, including the ci	aims, as amended by any
amend	dment referred to above. I	acknowledge the duty to	disclose to the Patent O	ffice all Inform	nation known to me t	o be material to patentability as
						(s) for patent or inventor's certifica
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l herel	by claim the benefit under 3	5 U.S.C. §119(a) of any	y United States provisiona	al application	s) listed below.	•
Application Number			Date/Month/Year Filed			
60/234,327			22 September 2			
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1.	Inventor's Signature: Inventor:	Barton	F,		HAYNES	Ü,S.A.
	miremon.	(first)	MI		( 83 )	(citizenship)
	Residence: (clty)	Durham		(state/cour	itry) North Caroll	na
	Mailing Address:	3923 Wentworth Stre	et. Durham, North Caroli	na		
	(Zip Code)	27707				<del></del>
2.	Inventor's Signature:	I De	stet		Dat	e: <b>4</b>  5/05
	Inventor:	Ohavalkumar.	D.		PATEL	U.S.A.
		(first)	MI		(last)	(cilizenship)
	Residence: (city)	Chapol Hill	No. of the Alexander Consultation	(state/cou	intry) North Caroli	na
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4.	Inventor's Signature: Inventor:	Hua-Xin	<del> </del>	<del></del>	LIAO	Chinese
	HITEHLUI.	(first)	MI		(last)	(citizenship)
	Residence: (city)	Chapel Hill	1-1-	(state/cou		
	Mailing Address:		Road, Chapel Hill, North			
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